

REMARKS

Reconsideration and allowance are respectfully requested in view of the foregoing amendments and the following remarks.

Claims 1-49 are pending in this application.

Claim 1 has been amended.

Claims 30-49 have been indicated as allowed.

Regarding the § 101 Rejection:

Claim 1 was rejected under 35 USC § 101 because the claimed invention was believed to be non-statutory subject matter. Applicant has amended claim 1 such that the invention is directed to a technology art of “constructing a data pattern in a bit-error-rate test.” Claim 1 provides a method of manipulating the data pattern in order to provide a useful, concrete and tangible result (e.g., “making the portion of the selected data equal to the replacement value, thereby yielding adjusted selected data”). Since claim 1, as amended, is tied to a technology art and the environment of bit-error-rate testing and produces a concrete, useful, and tangible result, Applicant respectfully requests that the § 101 rejection be withdrawn and submits that claim 1 is ready for allowance.

Regarding the Allowable Subject Matter:

Applicant appreciates the Examiner’s indication that claims 2-29 are objected to based on their dependency on claim 1. Applicant has amended claim 1 to overcome the § 101 rejection and respectfully requests that the objection to claims 2-29 be withdrawn. Applicant submits that claims 2-29 are ready for allowance.

Applicant further appreciates the Examiner's indication that claims 30 - 49 are allowable.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

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Respectfully submitted,

By 

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